



M E M O R A N D U M

To: The Honorable William G. Young, U.S. District Judge
From: Lisa M. Paiva, U.S. Probation Officer
CC: AUSA John Wortmann
Mark D. Smith
Re: **COLEMAN, Demone**
Dkt No. 1: 06 CR 10181 - 01
Request to Withdraw Amended 12C Petition and Notification of New Criminal Charge
Date: May 11, 2015

The purpose of this Memorandum is to request that the previously alleged violations in this case be withdrawn without prejudice, based on the dismissal of state charges. The Probation Office also notifies that Court of an additional motor vehicle related charge (detailed below) against the defendant, which was ultimately dismissed. With respect to this matter, the Probation Office is requesting no formal action by the Court at this time.

Previously Alleged Violation Conduct

Reference is made to the Amended 12C Petition dated June 25, 2014, which alleged two Violations of Law: a five-count Possession of Counterfeit Note charge out of Stoughton District Court; and Assault & Battery (Domestic) and Threat to Commit a Crime (bodily harm) charges out of Dorchester District Court.

On December 3, 2014, all charges in Stoughton District Court were dismissed without prejudice for lack of prosecution. It is noted that essential witnesses for the prosecution's case were not cooperative and failed to appear for trial.

On November 4, 2014, the Assault & Battery count in the Dorchester District Court matter was dismissed at the request of the Commonwealth; however, the Threats charge was continued for trial. Subsequently, on May 6, 2015, the Threats count was dismissed for failure to prosecute.

This officer has been in contact with the alleged victim on the Dorchester case, Latasha Brown, who indicated her reluctance to cooperate in the above matter or in any violation proceedings in this Court. It is noted that Ms. Brown had obtained a restraining order against the defendant shortly after the June 2014 incident, but allowed the order to expire on July 17, 2014 without requesting an extension. Also, following the June 2014 incident, Ms. Brown admitted to this officer that the defendant did not, in fact, physically assault her as she had initially reported to

police. To date, Ms. Brown has denied any further domestic incidents involving her and the defendant and has reported that they have continued to maintain an amicable relationship with respect to their daughter.

This officer has consulted with government, AUSA John Wortmann, and has determined that there is not sufficient evidence to proceed with the violations alleged in the June 25, 2014 Amended 12C Petition. Therefore, the Probation Office is requesting that the alleged violations be withdrawn without prejudice at this time.

New Criminal Charge

On November 26, 2014 the defendant was stopped by Boston Police for a traffic violation. Upon further investigation, the officer determine that the defendant's driver's license had been suspended. The defendant was reportedly unaware of the suspension and later determined that the suspension was the result of an unpaid fine. He was not arrested, but was issued a criminal citation for Operating a Motor Vehicle with a Suspended License. He subsequently paid the outstanding fine and his license was reinstated.

Subsequently, on January 23, 2015, a complaint issued in Roxbury District Court and the defendant was summonsed to appear for arraignment on one count of Operating a Motor Vehicle with a Suspended License. On February 8, 2015, the matter was ordered to be dismissed upon payment of \$100 in court costs. The defendant satisfied the court costs and the matter was dismissed on March 27, 2015.

With respect to the above noted motor vehicle charge, the Probation Office is not requesting any formal action by the Court at this time. It appears plausible that the defendant was not aware of his driver's license suspension. Furthermore, he took immediate steps to reinstate his license and the criminal matter was ultimately dismissed.

Recommendation

As noted above, the Probation Office is respectfully requesting that the violations alleged in the June 25, 2014 Amended 12C Petition be withdrawn without prejudice; and that the Court take no formal action with respect to the subsequent motor vehicle charge.

The Probation Office will continue to monitor the defendant and will notify the Court accordingly of any additional violation conduct. Should any additional domestic or counterfeiting incidents arise in the future, the Probation Office will contemplate the appropriateness of pursuing the violations previously alleged.

Should Your Honor concur with the above recommendations of the Probation Office, kindly indicate below.

Reviewed and Approved by:

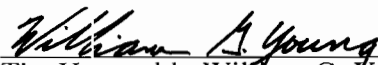
/s/ Joseph LaFratta

Joseph LaFratta

Supervising U.S. Probation Officer

The Court Orders:

- ☒ 6/25/14 Amended 12C Petition withdrawn without prejudice; and No Action on the motor vehicle related charge.
- ☐ Other:


The Honorable William G. Young
U.S. District Judge

Date: May 12, 2015
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